

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SMART STUDY CO., LTD.
Plaintiff,

Case No. 21-CV-5860-GHW

-against-

YLILILY
Defendant

AFFIDAVIT AND MEMORANDUM

IN SUPPORT OF MOTION TO DISMISS THE COMPLAINT

I, Xie Youli, swear or affirm that the following facts are true to the best of my knowledge:

Defendant YLILILY located in China, and the exact address can find in the amazon storefront page, also can get and confirm the address from amazon.

Besides, I had contact with plaintiff's attorney and send the exact address to them and inform them if they file a lawsuit they should send the judicial documents to the given address according the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters (the Hague Convention). Pursuant to FRCP Rule 4(f)(1).

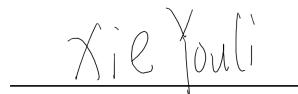
China declared opposition to Article 10 of the Hague Convention, so the judicial documents from plaintiff SMART STUDY CO., LTD. to defendant YLILILY can not send personally directly.

Plaintiff SMART STUDY CO., LTD. or the attorney for Plaintiff SMART STUDY CO., LTD. did not send the judicial documents properly. That makes me difficult to understand about the complaint and know about it in time, and My English is not so good, I need to using the translate website to translate. That make me can not understand the compliant clearly.

Plaintiff SMART STUDY CO., LTD. or the attorney for Plaintiff SMART STUDY CO., LTD. should send the judicial documents in Chinese to Ministry of Justice of the People's Republic of China, so that the Ministry of Justice can review and forward to. According to the Hague Convention.

Thus, pursuant to FRCP Rule 12(b)(5) : insufficiency of service of process, YLILILY's motion to dismiss the complaint should be granted.

Subscribed and sworn to or affirmed before me at Guangzhou City, Guangdong Province, China on date October 3, 2021



Signature

By YLILILY

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